



## Notice of a public meeting of

### Corporate Parenting Board

- To:** Councillors Rawlings (Chair), Cuthbertson (Vice-Chair), S Barnes, Brooks, Runciman and Funnell
- Date:** Monday, 12 February 2018
- Time:** 5.00 pm
- Venue:** The King Richard III Room (GO49) - West Offices

### AGENDA

#### 1. **Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests,
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 20 November 2017.

#### 3. **Public Participation**

At this point in the meeting members of the public who have registered to speak regarding an item on the agenda or an issue within the Board's remit can do so. The deadline for registering is 5pm the working day before the meeting, in this case **5pm on Friday 9 February 2018**.

#### **Filming or Recording Meetings**

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This

includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

- 4. The Children and Social Work Act 2017** (Pages 5 - 56)  
This report provides the Board with an update around a number of the new duties of the Children and Social Work Act 2017.

*Any Board Member whose area of interest relates to the issues raised in this report will have the opportunity to give an update under this item.*

- 5. Update on the Independent Reviewing Officer (IRO) Service**  
The Board will receive a verbal update on the IROs' continued work to improve outcomes for children and young people across York.

*Any Board Member whose area of interest relates to the issues raised in this report will have the opportunity to give an update under this item.*

- 6. Update on Placement Review**  
The Board will receive a verbal update on the Children's Services Placement Review, its scope and timeline.

*Any Board Member whose area of interest relates to the issues raised in this report will have the opportunity to give an update under this item.*

- 7. Work Plan** (Pages 57 - 60)  
To consider the Board's work plan for the remainder of 2017-18 and the draft work plan for the 2018-19 municipal year and to

receive any updates Members may wish to give on their agreed areas of interest relating to the work of the Board.

## **8. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

### Board Members Agreed Areas of Interest

- Show Me That I Matter - Councillor Rawlings
- Housing and Pathway Team - Councillor Stuart Barnes
- Education/Schools - Councillor Brooks
- Virtual Head and School for Children in Care – Councillor Brooks
- Health - Councillor Runciman
- Placement Team, Fostering Service and Short Breaks – Councillor Cuthbertson
- Connexions / Education, Training & Employment - Councillor Funnell

### Democracy Officers

Catherine Clarke and Louise Cook (job share)

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(If contacting by email, please send to both Democracy Officers named above).

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim (Polish)  
własnym języku.**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

City of York Council

Committee Minutes

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Meeting	Corporate Parenting Board
Date	20 November 2017
Present	Councillors Rawlings (Chair), Brooks, Runciman, Looker and Funnell
Apologies	Councillor S Barnes

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#### **14. Declarations of Interest**

At this point in the meeting Members were asked to declare any personal or prejudicial interests they might have in relation to the business on the agenda or any other general interests they might have within the remit of the Board. None were declared.

#### **15. Minutes**

Resolved: That the minutes of the last meeting of the Corporate Parenting Board held on 25 September 2017 be approved and then signed by the Chair as a correct record

#### **16. Public Participation**

It was reported that there had been no registrations to speak under the council's Public Participation Scheme.

#### **17. Update on Pathway Service**

Members considered a report that provided them with information about City of York Council's Pathway Teams work with care leavers.

The Group Manager was in attendance to present the report and she confirmed that the Pathway Team were currently working with 93 young people. She highlighted some of their main areas of work, that focussed on:

- Staying Put
- Education, Training and Employment (ETE)
- Health
- Future work

Members were informed that:

- 13 care leavers were currently Staying Put with their foster carers.
- 3 young people had been supported to live independently.
- 29 care leavers were currently living independently in City of York housing or private rented accommodation.
- A range of accommodation options had been developed which included SASH and supported lodgings at Howe Hill, Robinson Court and Scarcroft Road.
- Officers were considering alternative accommodation provision for a small cohort of young people with complex needs.
- 17 care leavers were currently not in Education, Training or Employment but this was significantly better than the national average.
- Children in care and care leavers were supported by the Pathway Team with interview skills, appropriate clothing and travel arrangements.
- The full roll out of health passports had not yet been achieved but all care leavers had received a letter explaining how they could access their health records.
- I Still Matter had become an important support network amongst its peers and they were in the process of releasing a newsletter.
- A local care leavers charter and seven 'corporate parenting principles' would be produced by April 2018 which would set out the statutory entitlements and the additional help the council would provide to care leavers, including extending the offer of path way services from 21 to 25.

In answer to Members questions officers noted that further guidance on managing budgets and advice on property tenancies and leases, including the option to maybe rent with a friend, would be beneficial to some young people.

Following discussions around health assessments and the importance of supporting a child in accessing their health records, officers confirmed they do, where possible, acquire the family health history at the initial health assessment stage.

Members thanked officers for their report and welcomed an update on the Care Leavers Charter and the seven corporate parenting principles at a future meeting.

Resolved: That the report and Annex be noted.

Reason: To update Members on the work of the City of York Council Pathway Team with care leavers.

**18. Update on Independent Reviewing Officer Report for 2016/2017**

The Board considered a report that updated them on the progress and practice of the York Independent Reviewing Service (IRO).

The Group Manager gave an update and highlighted the significant changes within Children Social Care in York that had been implemented to improve service delivery and outcomes for children and young people receiving social care services.

Members raised their concerns around the number of children who were not directly seen by an IRO prior to their review and officers explained the reasons why this had progressively dropped. The Corporate Director of Children, Education and Communities confirmed this would be a priority area for development, which he would be managing and working with colleagues to improve. He agreed to keep the Chair updated and would also bring a progress report to the Board in 2018.<sup>1</sup>

Members noted that the vast majority of concerns raised by IROs were around practice issues relating to poor quality or out dated Education Plans, Care Plans, Health Assessments and Placement Plans and although these concerns related to a small number of children and young people, improved reporting tools and cycles were currently being developed to help promote improved tracking and responsiveness to issues raised.

Members also noted the positive performance referred to within the annual report and welcomed the commitment from officers to better deliver its statutory responsibilities to children and young people in care.

Officers answered Members questions where it was agreed that when appropriate the Children in Care Strategy should be reported to full Council and Members thanked officers for their update.

Resolved: That the report and Annex be noted.

Reason: To keep Members updated on the IRO Service.

Action Required

<1> IRO's priority areas for improvement - keep the Chair updated on the progress made and report back to the Board 2018. <1> JS

**19. Corporate Parenting Board Work Plan 2017-18**

Members considered the Boards work plan for the 2017/18 municipal year.

Following discussion it was:

Resolved:

- i) That the work plan be noted and be updated to include a progress report on:
  - the Care Leavers Charter and the seven corporate parenting principles.
  - the IROs priority areas for improvement.
- ii) That the provisional 2018/19 committee dates be emailed around Board Members.
- iii) That the strategic themes be continued throughout the 2018/19 municipal year.

Reason: To keep the Board's work plan updated.

Cllr Rawlings, Chair

[The meeting started at 5.00 pm and finished at 6.05 pm].





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**Corporate Parenting Board****12 February 2018**

Report of Corporate Director of Children, Education and Communities

**The Children and Social Work Act 2017****Summary**

1. This report provides the Corporate Parenting Board with an update around a number of the new duties of the Children and Social Work Act 2017.

**Background**

2. The new duties are likely to commence on 1 April 2018. The new duties relevant to this paper are:
  1. Local Authorities must negotiate and publish their care leaver offer
  2. Leaving care support to extend from 21 to 25
  3. Introduction of Corporate Parenting Principles
  4. Introduction of a Care Leaver Covenant

**Consultation**

3. This agenda item outlines how this Local Authority intends to meet the new duties.

**Options**

4. This agenda item will enable Corporate Parenting Board to comment on progress.

**Analysis**

5. In York our Corporate Parenting Board has lead responsibility for looking strategically at experiences and services for children in care and care leavers. The Local Authority is well placed to be able to meet the new duties outlined under the Act and this agenda item evidences.

## **Council Plan**

6. Children and Young People in Care Strategy 2016-2020.

7. Council Plan 2016-2019 - A Focus on Frontline Services.

## **Implications**

8. The implications arising from this report are:

- **Financial** - 1 fte Pathway Post.
- **Human Resources (HR)** - None
- **Equalities** - None
- **Legal** - The Local Authority must comply with new duties, likely to be April 2018 onwards.
- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Risk Management** - None

## **Recommendations**

9. Corporate Parenting Board to note this agenda item.

Reason: To clarify any issues arising.

## **Contact Details**

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**Presentation by:** David Purcell  
Pathway Manager  
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**Report  
Approved**



**Date** 25.01.18

**Specialist Implications Officer(s)** None

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

Annex A - Children and Social Work Act Update January 2018

Annex B - Corporate Parenting Principles Guidance

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## **Corporate Parenting Board**

### **Children and Social Work Act Update January 2018**

**The Social Work Act 2017 confers new duties on Local Authorities including:**

1. Local Authorities must negotiate and publish their care leaver offer
2. Leaving care support to extend from 21 to 25

And

3. Introduction of Corporate Parenting Principles
4. Introduction of a Care Leaver Covenant

#### **1. Local Authorities must negotiate and publish their care leaver offer**

There is a new duty on local authorities to consult on and then publish their 'local offer' for care leavers, which sets out both care leavers' legal entitlements and the additional discretionary support that the local authority provides.

The Government's expectation is that each local authority will publish the local offer (subject to the consultation requirements) within six to nine months from commencement of the Act. The local offer will inform the support from the local authority, outlining links to universal services, partners and other agencies, across Health and wellbeing, Education, Training, Employment, Accommodation, Finance, Relationships, and participation in society.

#### **Our next steps:**

The Pathway Team will consult with our care leavers and the 'I still matter' group to co-produce a care leaver local offer that is meaningful and reflects the needs, views and wishes of the care leavers we are

responsible for. It is anticipated this will be brought to Corporate Parenting Board by September 2018.

## **2. 21-25 Support**

Section 3 of the Children & Social Work Act 2017 requires local authorities to offer Pathway Adviser support to all care leavers up to age 25, irrespective of whether they are engaged in education or training. This includes care leavers who return to the local authority at any point after the age of 21, up to age 25 and who request support.

### **Our next steps:**

DMT agreed an additional Pathway Worker post to support the anticipated increase in workload which is likely to be around 20 young people which is an increase of 25%. Our care leaver local offer will clarify the support our care leavers 21 to 25 will be entitled too but as a guide when a care leaver requests help, a Pathway worker will assess their needs and develop a pathway plan setting out what support the local authority will provide.

## **3. The Care Leaver Covenant**

There is wide recognition that care leavers have faced many challenges in their lives and are likely to need much more support than other young people in making the transition to adulthood. The Department of Education want Government departments and their agencies, relevant partners, charities and private sector organisations to contribute to the wider corporate parenting family.

The Department for Education is therefore introducing a 'care leaver covenant' that will enable organisations to make commitments to care leavers, within the spirit of the corporate parenting principles, in a way that is most appropriate to them.

An example given by the Department of Education is: a contractor will negotiate with organisations, companies and services, e.g IKEA or another large company offering discount or special offers for care leaver country wide.

## **Next Steps**

The contract for the covenant has been open to national bids and will be announced shortly.

## **4. Applying Corporate Parenting Principles to Care & Pathway Planning**

The Children and Social Work Act 2017 defines, for the first time in law, the role of corporate parent. The Principles are set out in section 1 of the Children and Social Work Act. Local authorities must have regard to the principles when exercising their functions in relation to children in care and care leavers. They apply to the whole local authority and not just to Children's Services functions.

The guidance describes the role that councils play in looking after children as a unique responsibility and one of the most important things we do.

The corporate parenting principles are not requirements, as the detail of what local authorities must do to effectively care for children in care and care leavers is addressed through existing legislation, regulations and accompanying statutory guidance. The corporate parenting principles are intended to inform how a local authority carries out those existing responsibilities, whether that is about assessing a looked after child's needs or listening to and taking account of the wishes and feelings of care leavers.

The principles are intended to encourage local authorities to be ambitious and aspirational for children in care and care leavers and should be led by the Chief Executive and Director of Children's Services. The principles broadly fit with our Children and Young People in Care Strategy 2016-2020 and current practice which is outlined below.

## **The Principles**

1. to act in the best interests, and promote the physical and mental health and well-being, of those children and young people

Examples:- Pledge to Young People. Free gym membership to all CYPIC and care leavers. Work around a Pledge with Yorkshire Police regarding non criminalisation of children in care.

2. to encourage those children and young people to express their views, wishes and feelings

Examples:- Voice and Advocacy Service including SMTIM, ISM and IMT groups. Children in care and care leaver participation in CYPIC reviews and Pathway plan reviews. SMTIM representation at CIC Strategic Partnership and Corporate Parenting Board.

3. to take into account the views, wishes and feelings of those children and young people

Examples:- Young people's interview panels for social work recruitment. Practice changes such extending taster flat to 6 weeks in line with care leavers views. Children in care input in health assessment video.

4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners

Examples:- Guaranteed interview for care leavers for CYC apprenticeships. Children in care treated with priority for access to school places.

5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people

Examples:- Supporting care leavers to visit Universities.

6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work;

Examples:- Children in Permanent Placement team to offer stability of social worker to children in long term care. Placement Review to look at options around increasing placement stability.



7. to prepare those children and young people for adulthood and independent living.

Examples:- Provision of Staying put allows those young people to remain in that household post 18 and develop skills at a gradual pace. Children in care can spend 4 to 6 weeks in a CYC taster flat to check out their skills and experience living on their own. When assessed as ready CYC also offers the opportunity of trainer flats for 6 months which supports the young person in preparation for taking on a tenancy at age 18.

### **Our next steps**

Ongoing work with departments within the Council and wider organisations, via the care leaver covenant, to embed new Corporate Parenting Principles. Corporate Parenting Board may wish to consider to what extent are the needs and priorities of children in care and care leavers reflected in local strategic needs assessments, local service provision, and development plans.

S Keeble

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Department  
for Education

# **Applying corporate parenting principles to care and pathway planning**

**Statutory guidance for local authorities**

**[Month] 201[X]**

## Contents

1. Summary	4
About this guidance	4
Expiry or review date	4
What legislation does this guidance refer to?	4
Who is this guidance for?	4
Main points	6
2. What are the corporate parenting principles?	8
The principles	8
How the principles work	9
3. Applying the principles to local authority functions	10
Leadership	10
Deciding relevant functions to which the principles apply	11
The duty to cooperate	12
The care leaver covenant	13
4. Implementing the principles	15
Acting in the best interests and promoting physical and mental health and wellbeing	16
Encouraging and taking into account the views, wishes and feelings of children and young people	18
Helping looked after children and care leavers gain access and make best use of services	19
Promoting high aspirations and securing best outcomes	20
Being safe and having stability	22
Preparing for adulthood and independent living	23
Annex 1	27
Care planning obligations	29
Annex 2	32
Categories of Care Leavers	32
What provision is the care leaver entitled to?	33

Annex 3	38
Table A: functions where consideration of corporate parenting principles should generally apply	38
Table B: functions where corporate parenting principles will never or hardly ever apply	39
Further information	40
Relevant departmental advice and statutory guidance	40

# 1. Summary

## About this guidance

This guidance is about the role of local authorities and the application of corporate parenting principles as set out in section 1 of the Children and Social Work Act 2017. Local authorities must have regard to the seven needs identified in the Children and Social Work Act when exercising their functions in relation to looked after children and care leavers (former relevant children). It should be read and applied alongside the [Children Act 1989 Guidance and Regulations Volume 2: care planning, placement and case review](#) and [The Children Act 1989 Guidance and Regulations Volume 3: planning transition to adulthood for care leavers](#).

This guidance is designed to help local authorities consider the kinds of services that may be offered when having regard to the corporate parenting principles. It is not intended to be prescriptive about what must be offered. It is expected, however, that services respond to the individual needs of looked after children and care leavers when they exercise their functions in relation to these children and young people.

## Expiry or review date

The guidance will be reviewed on an annual basis but will not be revised unless it is considered that it requires amendment.

## What legislation does this guidance refer to?

This guidance refers to:

- Section 1 of the Children and Social Work Act 2017
- Part 3 of the Children Act 1989 (the Act)
- The Care Planning, Placement and Case Review (England) Regulations 2010 (the 2010 Regulations)
- The Care Leavers (England) Regulations 2010 (the Care Leavers Regulations)

## Who is this guidance for?

This guidance is for local authorities and their 'relevant partners' (as defined in section 10 of the Children Act 2004) and others who contribute to services provided to looked after children and care leavers.

The principles are applicable to all local authorities in England whether they are or were the local authority looking after a particular child/young person. They apply to the whole local authority and not just to children's services functions. However, they apply only to local authority functions that are exercised in relation to looked after children and care leavers (see page 11).

For the purpose of this guidance, a local authority in England means:

- A county council in England
- A district council
- A London borough council
- The Common Council, of the City of London (in their capacity as a local authority)
- The Council of the Isles of Scilly; and
- A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009

## Main points

- 1.1 The role that councils play in looking after children is one of the most important things they do. Local authorities have a unique responsibility to the children they look after and their care leavers (relevant and former relevant children). In this context local authorities are often referred to as being the 'corporate parent' of these children and young people, and the critical question that local authorities should ask in adopting such an approach is: 'would this be good enough for my child?'
- 1.2 A strong ethos of corporate parenting means that sense of vision and responsibility towards the children they look after and their care leavers is a priority for everyone. They recognise that looked after children have the same needs – to be loved, cared for and feel safe - as other children. But also that there are unique challenges that looked after children and care leavers face. 60% of children become looked after due to abuse or neglect and they have poorer educational and health outcomes than their peers<sup>1</sup>. Local authorities that have a strong corporate parenting ethos recognise that the care system is not just about keeping children safe, but also to promote recovery, resilience and wellbeing.
- 1.3 All children need love and stability in order to thrive. A strong corporate parenting ethos means that everyone from the Chief Executive down to front line staff, as well as elected council members, are concerned about those children and care leavers as if they were their own. This is evidenced by an embedded culture where council officers go the extra mile and do all that is reasonably possible to ensure the council is the best 'parent' it can be to the child or young person. [Statutory guidance](#) on the role of the Director of Children's Services and Lead Member for Children describes how those roles set the tone for the local authority to be an effective corporate parent.
- 1.4 The term 'corporate parent' is broadly understood by Directors of Children's Services and Lead Members for Children, as well as those working directly in children's services, in relation to how local authorities should approach their responsibilities for looked after children and care leavers. Corporate parenting is an important part of the Office for Standards in Education (Ofsted) inspection framework. However, it is vital that all parts of a local authority beyond those directly responsible for care and pathway planning recognise they have a key role too.
- 1.5 The Children and Social Work Act 2017 therefore introduces corporate parenting principles, which comprise of seven needs that local authorities in England must

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<sup>1</sup> [Department for Education, Children looked after in England including adoption: 2015 to 2016](#)



have regard to whenever they exercise a function in relation to looked after children or care leavers (collectively referred to as *looked after children and young people*).

- 1.6 The corporate parenting principles are intended to secure a better approach to fulfilling existing functions in relation to looked after children and care leavers and for the local authority to facilitate as far as possible secure, nurturing, and positive experiences for looked after children and young people and enable positive outcomes for them.
- 1.7 It will be important for all who exercise functions in relation to looked after children and care leavers – from elected councillors and the teams dealing with placements and care leaver services to those responsible for special educational needs, housing and council tax – to work together to ensure they have a more joined up approach.
- 1.8 The corporate parenting principles are not new requirements, but provide a framework to help local authorities understand and fully comply with existing duties across the whole of their services as they discharge those duties to looked after children and care leavers.
- 1.9 The corporate parenting principles apply only to local authorities. Directors of Children's Services and Lead Members for Children should nevertheless ensure that relevant partners understand how they can assist local authorities apply the principles in relation to the services those partners may provide. 'Relevant partners' include local policing bodies and Chief Officers of Police, local probation boards and probation services, youth offending teams, clinical commissioning groups, NHS England, schools and educational institutions.
- 1.10 The corporate parenting principles are about embedding a positive culture in the local authority towards looked after children and care leavers and their success will depend on the extent to which directors, councillors, heads of service and front line managers champion and promote understanding of them.
- 1.11 The experiences of looked after children and care leavers, particularly in regards to whether they feel cared for and listened to, will therefore be an important measure of how successfully local authorities embed the principles.
- 1.12 The corporate parenting principles should be integral to the way in which local authorities approach the development and review of their local offer to care leavers. They will also provide an important framework in promoting the mind-set and culture that will underpin the non-statutory care leaver covenant (see paragraph 3.12).

## 2. What are the corporate parenting principles?

### The principles

2.1 In order to thrive, children and young people have certain key needs that good parents generally meet. The corporate parenting principles set out seven principles that local authorities must have regard to when exercising their functions in relation to looked after children and young people, as follows:

- to act in the best interests, and promote the physical and mental health and well-being, of those children and young people
- to encourage those children and young people to express their views, wishes and feelings
- to take into account the views, wishes and feelings of those children and young people
- to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners
- to promote high aspirations, and seek to secure the best outcomes, for those children and young people
- for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- to prepare those children and young people for adulthood and independent living.

2.2 The corporate parenting principles do not exist in a vacuum. They should shape the mind-set and culture of every part of a local authority in how it carries out all of its functions in relation to looked after children and care leavers. The full range of duties placed on local authorities in respect of the children they look after and their care leavers is set out at Annexes 1 and 2.

2.3 The corporate parenting principles are not about applying a formulaic approach to how services are delivered in relation to looked after children and care leavers. Rather they describe the behaviours and attitudes expected of councils when they are acting as any good parent would do by supporting, encouraging and guiding their children to lead healthy, rounded and fulfilled lives. The principles intend to ensure that all councils have high ambitions for the children in their care. In doing so, the application of the principles must respond to the individual needs, vulnerabilities or disadvantages of looked after children and care leavers.

This will assist in securing that such children and young people are not placed at significant disadvantage when compared with the support a non-looked after child or young person may receive from their family.

## How the principles work

- 2.4 The detail of what local authorities must do to effectively care for looked after children and care leavers is addressed through existing legislation, regulations and accompanying statutory guidance. The corporate parenting principles are intended to inform how a local authority carries out those existing responsibilities, whether that is about assessing a looked after child's needs or listening to and taking account of the wishes and feelings of care leavers. The principles are intended to encourage local authorities to be ambitious and aspirational for their looked after children and care leavers.
- 2.5 The corporate parenting principles do not replace or change existing legal duties, for example in relation to the provision of accommodation for care leavers aged 18 and above.
- 2.6 Local authorities will need to consider the extent to which the corporate parenting principles are relevant to a particular service area or exercise of a particular function. This should be a reasonable and proportionate evaluation based on the extent to which the service/function is being carried out in relation to looked after children and/or care leavers. This should include arrangements for ensuring that in two tier authorities that district and county councils work closely together. For example, although county councils exercise social services functions to this group of young people, district councils (which do not have social service functions) should consider how the principles apply when they are exercising their functions in relation to looked after children and care leavers.

## 3. Applying the principles to local authority functions

### Leadership

- 3.1 Strong corporate parenting means strong leadership, challenge and accountability at every level. The quality of support can be measured in how the child or young person experiences the support they receive and the extent to which they feel listened to and taken seriously. To that end, many top tier local authorities have established Corporate Parenting Boards or Panels to look strategically at the way in which their looked after children and care leavers experience services. Feedback from looked after children and care leavers is an important way in which local authorities can consider how effectively the corporate parenting principles are being applied when exercising functions in relation to these young people.
- 3.2 For care leavers, one of the main ways in which local authorities will bring the corporate parenting principles to life will be through their local offer to this group of young people. Through provisions in the Children and Social Work Act 2017, local authorities will also be required to publish information about the services that they offer that may assist care leavers in making a successful transition to independence. Where it considers it appropriate, a local authority should publish information about services for care leavers it has the power to provide but which are offered by others. The local offer should be developed in close partnership and dialogue between senior leaders and young people who are looked after and care leavers.

## **Examples of how senior leaders and councillors may champion corporate parenting**

- Lead members and senior officers promote the idea that looked after children and care leavers are part of the local authority 'family'.
- Members of Children in Care Councils (CiCCs) have regular and positive contact with senior managers and the Lead Member for Children, who know them well. CiCC members are part of the selection process for senior staff in the local authority and in the design of an annual questionnaire about services for looked after children and care leavers.
- Senior officers and councillors demonstrate that they care about what happens to their care leavers by taking their corporate parenting role seriously. For example, in one local authority, two councillors including the Lead Member for Children visited a care leaver in a Young Offenders Institution following their sentence for a serious offence.
- Services and practice change as a result of the views of care leavers. One local authority acted on their views by making changes to the job descriptions of personal advisers (PA) to emphasise their role in encouraging aspirations and getting to know each care leaver well. PA support is now available during weekday evenings.

## **Deciding relevant functions to which the principles apply**

3.3 Local authorities provide around 700 services to their local communities. For some of these services (e.g. refuse collection, building control, trading standards and environmental protection), it may not be appropriate or necessary to provide a differentiated service to looked after children or care leaver. Other services (e.g. fostering, education provision, the administration of housing benefit, the administration of council tax and access to leisure activities) will be more relevant and in these instances, Directors of Children's Services and Lead Members for Children will want to ensure the needs identified as corporate parenting principles are taken into account.

3.4 The services that local authorities deliver can be broadly categorised into 14 different types of service. The service areas where consideration of the corporate parenting principles are of most relevance are: education, social care, housing, libraries, leisure and recreation, strategic policies (such as health and wellbeing plans) and local tax collection.

3.5 The seven other types of service provided by local authorities include highways, transport planning, passenger transport, environmental health, waste collection,

waste disposal and town and county planning. Looked after children and care leavers access these services as residents of the local authority area, regardless of their legal status. These services are less likely to require differentiated service for children in care or care leavers and therefore the need to have regard to the corporate parenting principles will either not apply or apply only in a limited way. This is because it may not be possible to do anything towards meeting one or more of the identified needs or, although it may be possible, it is not appropriate to do so.

3.6 The way in which a local authority operates its corporate services is important to consider in relation to the principles. For example, the way a local authority acts as an employer can have an impact, such as by ring-fencing apprenticeships for care leavers. These opportunities can be provided in any department of the council regardless of the function it performs. For example, there is no reason why a care leaver could not take up an apprenticeship opportunity in the highways department or for any part of the authority to offer guaranteed job interviews for care leavers. All services can have a role in providing these opportunities for looked after children and care leavers. This is different from providing a differentiated service, for instance, a differentiated service for looked after children or care leavers in relation to a particular function such as waste collection.

## The duty to cooperate

3.7 While the duty to have regard to the principles applies only to local authorities, other agencies play an important role in supporting them to carry out their responsibilities to be a good corporate parent.

3.8 Local authorities are under a duty (section 10 of the Children Act 2004) to make arrangements to promote co-operation between 'relevant partners'<sup>2</sup> with a view to improving the well-being of children in their area. This should include arrangements in relation to looked after children and care leavers. Local authorities will therefore need to consider the implications of how they take account of the corporate parenting principles – especially the need to help them

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<sup>2</sup> Section 10 of the Children Act 2004 defines relevant partners as including: the district council; the local policing body and the chief officer of police; probation board; any provider of probation services; youth offending team; the Secretary of State in relation to functions under sections 2 and 3 of the Offender Management Act 2007; NHS England; Clinical Commissioning Groups (CCGs); the governing body of a maintained school; an academy or City Technology College or City Technology College of the Arts; the governing body of an institution within the further education sector; the Secretary of State in relation to functions under section 2 of the Employment and Training Act 1973.

access services - when they make arrangements under section 10 of the 2004 Act.

3.9 Section 10(5) of the 2004 Act places a duty on relevant partners to cooperate with the local authority in the making of these arrangements, therefore promoting and ensuring a joined up approach.

### **Some examples of key organisations/services local authorities need to think about engaging with**

- Early years settings, schools, further and higher education, employers
- Health services, including Child and Adolescent Mental Health Services (CAMHS) and Adult Mental Health Services (AMHS)
- Housing services
- The immigration service
- The police and criminal justice agencies

3.10 In making arrangements to cooperate, Chief Executives and Directors of Children's Services should ensure that:

- there is a shared understanding across the local authority, relevant partners and the agencies with which it works about the needs of looked after children and care leavers; and that
- their arrangements and strategies for multi-agency working take account of the needs of looked after children and care leavers.

3.11 County councils should ensure they work with their district councils, which also need to have regard to the need to act in accordance with the corporate parenting principles.

## **The care leaver covenant**

3.12 There is wide recognition that care leavers have faced many challenges in their lives and are likely to need much more support than other young people in making the transition to adulthood. We do not expect local authorities to do it all on their own. We therefore want government departments and their agencies, relevant partners, charities and private sector organisations to play their part as part of a wider corporate parenting family. The Department for Education is therefore introducing a 'care leaver covenant' that will enable organisations to

make commitments to care leavers within the spirit of the corporate parenting principles in a way that is most appropriate to them.



#### 4. Implementing the principles

##### **Examples of questions for local authorities**

- What more could we do to ensure looked after children and care leavers feel listened to and their suggestions acted on?
- To what extent are the needs and priorities of looked after children and care leavers reflected in local strategic needs assessments, local service provision, and development plans?
- How can we collectively deliver services to looked after children and care leavers in a way that is joined-up and which supports young people to make a successful transition to adulthood?
- Are the children and young people in our care enjoying happy, fulfilled childhoods and looking forward to their adult lives, with positive foundations and stable relationships? If not, why not and what can we do to address this?
- How can we deliver services to looked after children and care leavers in a way that mirrors as far as possible the way a good parent would support their child?
- How can we deliver services in a way that recognises the unique circumstances of looked after children and care leavers?

4.1 There are many good examples of how local authorities are acting as a good corporate parent. Many of these will reflect the spirit of the corporate parenting principles. Authorities with the strongest corporate parenting ethos consider how services can be delivered differently in order to meet the needs of the care population as effectively as possible.

4.2 Although there are seven needs identified, they should not be seen in isolation from each other because they are not mutually exclusive.

4.3 This section focuses on each need and sets out the range of approaches that a local authority might take in having regard to that need at both a strategic level and in relation to individuals. It is not intended to be comprehensive: local authorities will be expected to apply the corporate parenting principles in their local context, based on the needs, wishes and feelings of the children in their care and their care leavers.

## Acting in the best interests and promoting physical and mental health and wellbeing

4.4 All good parents take account of their children's best interests and health and wellbeing. This is integral to a culture and attitude where investing in the quality of relationships with children looked after and care leavers is recognised as of crucial importance. Young people will feel listened to, understood and supported to reach their full potential.

4.5 There are many different ways in which local authorities can have regard to the need to act in the best interests of and promote health and wellbeing for looked after children and care leavers. It may involve understanding the reasons behind challenging behaviour and, for example, encouraging carers and professionals to adopt a restorative approach to problem solving where appropriate. Health and wellbeing should encompass emotional, mental and physical health and wellbeing.

### Promoting good mental health and well-being

- One local authority has worked with local mental health services in order to respond to the mental health needs of looked after children and care leavers as they make the transition from care by extending the service to care leavers up to the age of 25. Care leavers can self-refer or ask their personal adviser to refer them where there is a significant emotional health issue that is affecting their life.
- In another authority, care leavers who feel lonely and isolated can self-refer or be referred to volunteer mentors from their local community who have been recruited and trained by the local authority. Care leavers benefit from weekly meetings with their mentor and have the chance to build a personal relationship that is independent of the 'formal care system'.
- Ten local authorities and four police services in the south-west have developed a protocol that recognises the potential of restorative justice approaches where there is an expectation that local authorities, staff and carers will strive to manage challenging behaviour without the involvement of the police wherever possible.

4.6 Local authorities should consider and be able to demonstrate how they have regard to this need when discharging their functions, for example:

- local authorities and their health partners may consider how physical, emotional and mental health needs are taken into account in developing their local Joint Strategic Needs Assessments (JSNAs) and their Joint Health and Wellbeing Strategies (JHWS).

- how local authorities, Clinical Commissioning Groups, NHS England and Public Health England consider the needs of looked after children, and by extension care leavers, when they cooperate to commission services for all children in their area.
- the arrangements in place to ensure that looked after children are not refused a mental health or other health service on the grounds of their placement being short term or unplanned.

4.7 In accordance with care planning requirements as set out in Volumes 2 and 3 of The Children Act 1989 guidance and regulations, local authorities may also wish to consider how to help children and young people develop their sense of identity in order for them to make sense of their early life experiences, reasons for entering care and family relationships. This might include focussing on the quality of life story work carried out with the children they support.

4.8 More broadly, local authorities may wish to consider how to enable looked after children and care leavers to access services (e.g. sports and leisure services and cultural activities) that promote a young person's wellbeing. Local authorities that have a strong corporate parenting ethos will stress the importance of every child's interests, talents and aptitudes being noticed and nurtured.

## **Supporting access to leisure and cultural services**

Local authorities may want to work with schools and local partnership organisations to help ensure looked after children are able to access local leisure and cultural services. To help achieve this, authorities may wish to work with their local Music Education Hub, bridge organisation and County Sports Partnership.

Music Hubs are groups of organisations working together to create joined up music education provision. Local bridge organisations work with local arts organisations, museums, libraries, music education hubs, further and higher education institutions and other partners, so children and young people can have access to great arts and cultural opportunities.

[Music Education Hub details](#)

[Bridge organisation details](#)

County Sports partnerships work to develop strong local sports offers and can provide details of local sports opportunities and clubs.

[County Sports Partnership details](#)

## **Encouraging and taking into account the views, wishes and feelings of children and young people**

4.9 The second and third principles (having regard to the need to encourage views, wishes and feelings of looked after children and care leavers; and having regard to the need to take account of them) is fundamental to being a good corporate parent. These principles include and apply to every looked after child, regardless of their age, circumstances or needs. This includes children with disabilities, education needs (for example speech, language and communication difficulties) or other complex needs. It is also important to encourage and promote the views of those with other barriers to participation, such as young children, young people with cultural or language barriers and those young people who are currently disengaged. Both principles underpin how local authorities can deliver high quality care and pathway planning for looked after children and care leavers.

4.10 The way in which local authorities involve care leavers in the design and development of their local offer to care leavers is a specific example of how local authorities will demonstrate they have regard to the needs identified in the second and third principles. Another tangible way of responding to the need to encourage and take account of the views, wishes and feelings of looked after children and care leavers, is through the establishment of a Children in Care Council or Care Leaver Forum.

4.11 In some instances, a looked after child or care leaver may express wishes that are not always in their best interests or which may conflict with other considerations. In such circumstances, local authorities will have to balance the wishes and feelings of the children and young people with what is in their best interests – and like any good parent – have to take into account what is reasonably practicable and achievable. The child's best interests and their right to be heard are not mutually exclusive. Due consideration must be given to the child's wishes and feelings, and in circumstances where decisions are made contrary to this, it is equally as important to explain to children and young people why these decisions were made.

### **Improving participation and acting on what young people say: examples of local authority practice**

- Council members and officers are proactive in seeking ways to improve the participation of looked after children, including those placed out-of-authority, through, for example, the effective use of technology and the use of shared websites for meetings.
- The corporate parenting board priorities in one authority are derived from its Children in Care Council review of the authority's pledge for looked after children.
- A local authority changed the times at which Personal Advisers were available to support care leavers as a direct response to feedback from its care leaver forum.

### **Helping looked after children and care leavers gain access and make best use of services**

- 4.12 As corporate parents, local authorities should have regard to the need to help the children they look after and care leavers to secure the services they need. At its most basic level, this principle is about giving some consideration to how looked after children and care leavers might benefit from and access a particular service based on an understanding of the needs of these children and young persons. This might be a factor that is considered when either designing or implementing services.
- 4.13 Another way in which local authorities may take account of this principle would be, for example, in their school choice for looked after children. The school admission code requires schools to give priority to looked after children in their admission criteria. Local authorities will need to consider how to most effectively use these arrangements. We would expect a local authority to match the best school to the child's needs, which includes where practicable, choosing good or outstanding schools.
- 4.14 To help children to access and use services will often require persistence. Local authorities should ensure social workers, children's carers and personal advisers have the skills and training they need to help looked after children and care leavers access the appropriate services.

## **Examples of local authorities helping looked after children and care leavers access services and advocating for them in accessing what they need**

- Supporting a vulnerable care leaver through pregnancy and her foster carer to the point where she was ready to return to education and training, helping her find the right course and then to apply successfully for an apprenticeship in the authority.
- Ensuring that transitions into adult health services are clear and efficient and ensuring that health needs are considered consistently in reviews and assessment meetings so that care leavers are aware of and able to access medical clinics, drug and alcohol services and family planning clinics when necessary.
- Designing an effective local offer for care leavers that sets out the range of available services and how to access them.
- Ensuring there are formalised transition arrangements for care leavers into adult services. For example, young people who will need ongoing support have their needs assessed jointly with adult services soon after their 16th birthday, so that there are no interruptions or delays in receiving help and the support services they need.
- Providing support and training to foster carers to engage with school staff and 'be there' when children need help with school work.
- Equipping carers and others to support children make the right post-16 choices to access education, employment and training.
- Embedding a culture where the local authority builds positive relationships and routinely works with a wide range of agencies to ensure that, for example:
  - specialist health teams secure speedy access for looked after children to specialist provision such as speech and language therapy.
  - children placed out-of-authority receive the support that they need in a timely way.

## **Promoting high aspirations and securing best outcomes**

4.15 It is important that we set high ambitions and aspirations for children and care leavers. The fifth principle is intended to promote the cultural mind-set that looked after children and care leavers should be treated as individuals for whom, like any good parent, local authorities want the best outcomes possible. This might mean, for example, spotting potential and nurturing it by making it easy for a looked after child or care leaver to pursue a particular activity they enjoy and are good at,

encouraging them to set their sights on a good university if they have the potential to succeed there and exploring all avenues to help them access the support they need to do well.

4.16 Local authorities with social service functions are required to have an officer (called a Virtual School Head) whose role is to make sure the authority promotes the educational achievement of the children it looks after. The Virtual School Head has a vital role in ensuring the local authority embeds promoting high aspirations and best outcomes as part of the corporate parenting culture.

### **Encouraging, aspiring and responding to interests and needs like all parents**

- For example, local authorities can help children to access easily a range of extra-curricular and recreational activities. These could include confidence building, cultural and/or sporting activities.
- Corporate parenting boards can routinely promote participation in programmes such as the Duke of Edinburgh Award Scheme and the National Citizenship Service.
- Through the work of personal advisers, changes can be made in the approach to reviewing pathway plans to ensure that those transitioning from care have a positive mind-set about their futures.
- A number of local authorities are offering apprenticeship/traineeships within their local authority to care leavers.
- One local authority has developed a dedicated Employment and Housing Coach who is jointly managed by the council's employment team and leaving care service to increase cross-departmental support for care leavers.

4.17 At an individual level it will be crucial to build children's confidence and aspiration so they have high expectations of themselves. It will also be important to work together with carers to ensure children can access opportunities such as membership of sports clubs, visits to museums or theatre performances that relate to their interests. Local authorities may also wish to consider ways to help inspire young people to aim high and achieve. That might involve providing early "work tasters" in areas or establishing a mentoring/role models scheme that match young people with successful care leavers.

4.18 At a strategic level, local authorities may consider working with the regional network for collaborative outreach. These networks were designed to encourage more young people into higher education and bring together higher and further education institutions to coordinate their outreach activity. The access agreements of 80% of higher education specifically include care leavers. Working with the regional network provides a way for authorities to use this and help ensure that outreach activities include looked after children and care leavers. Details of these regional networks can be found at:  
<http://www.hefce.ac.uk/sas/ncco/find/>.

### **Universities working collaboratively with local authorities**

There are already a number of universities working collaboratively with local authorities to help looked after children and care leavers think about higher education and are able to access it successfully.

York St John University works with the professional support workers, foster carers and other influencers of looked after children in two Virtual Schools in York and North Yorkshire.

Lincoln University and Bishop Grossetest University run the Joint Universities Mentoring Project (JUMP), which operates in collaboration with local authority, community and university partners to provide care leavers with a mentoring scheme.<sup>3</sup>

## **Being safe and having stability**

4.19 In order to thrive, looked after children and care leavers need to be safe, to have stability in their lives including in their education and work and to build resilience by forging strong and trusted relationships.

4.20 For looked after children this will mean having regard to the need to maintain, as far as possible, consistency in the home environment, relationships with carers and professionals and school placement. For some care leavers, it may involve supporting a Staying Put arrangement where care leavers and their former foster carers wish to remain living together after the young person reaches the age of

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<sup>3</sup> <https://www.offa.org.uk/universities-and-colleges/guidance/topic-briefings/topic-briefing-care-leavers/>



18. It may also mean wider support to help care leavers navigate the inevitable challenges of moving to independence through early preparation, good planning, securing a range of housing options and maintaining relationships with those whose continued support they might want or need during their transition to adulthood.

4.21 The examples of support in North Somerset (page 27) illustrates how it demonstrates its commitment to meeting the needs of its care leavers. An important way of responding to these needs is the approach local authorities take to housing and homelessness or rent and council tax arrears. For example, in some local authorities, the leaving care team will have a protocol in place with the housing services, which means that the care leaving team is notified as soon as a care leaver has arrears over a certain amount. This means that problems can be identified early rather than escalating to the point where the care leaver loses their tenancy. Many councils have also taken steps to exempt care leavers from council tax altogether.

### **Promoting safety and stability**

In one local authority, an individual housing protocol – integral to their pathway plan - was introduced for each care leaver from the age of 16 together with a wide range of accommodation options to match the young person's needs. Alongside this, a non-eviction/placement stability policy is being developed together with consideration of how to address issues of loneliness and isolation experienced by young people moving into independent living.

## **Preparing for adulthood and independent living**

### **Effective planning for managing day-to-day life**

Some local authorities are using 'training flats' to help looked after children and care leavers develop the skills they need to live independently and are putting this in place at an earlier stage. Foster carers and residential care workers are integral to this by encouraging looked after children to help with cooking and household chores as part of normal family life rather than seeing those activities as tasks to be 'taught' a few weeks before a young person leaves care.

- 4.22 Similar to other young people, looked after children in their transition to adulthood and care leavers need support to live independent lives. Many care leavers, however, feel under-prepared for living independently. Alongside having to manage practical matters such as paying bills, they often struggle with loneliness and isolation. It is particularly important that local authorities consider the need to help prepare looked after children and care leavers for making the transition to adulthood and independence. This includes the building up of support networks prior to leaving care, in addition to focussing on practical support and skills, such as managing money. It will be particularly important for local authorities to work with young people in developing their local offer so that it sets out what support care leavers can expect as well as where and how they can access it.
- 4.23 Good preparation, a gradual transition and flexible ongoing support are key to helping young people achieve a successful move to independent living. The most effective local authorities establish joint working arrangements between children's services, housing and other specialist services to help young people prepare for the realities of living independently, involve them in planning and decisions about their housing options, ensure suitable housing and support is in place and are ready to respond with contingency arrangements if things do go wrong.
- 4.24 St Basils and Barnardo's have produced a Care Leavers' Accommodation and Support Framework and toolkit, which can be downloaded [here](#). The framework, which comprises of five steps, draws together expertise from local authorities as well as leaving care and housing charities.<sup>4</sup>

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<sup>4</sup> The five steps to the framework are: training young people on tenancies and the housing market; involving young people in planning their accommodation; reducing housing crisis by having emergency options; commissioning a wide range of housing types; and developing skills and confidence ahead of a move to independent living.

### Local Authority Case Study

- The Government puts £200 into Junior Individual Savings Account (Junior ISAs) for looked after children. These are long-term tax-advantaged savings accounts, and the young person can then access the funds when they turn eighteen and leave care.
- Anyone can pay money into these accounts, and some LAs make additional contributions into the Junior ISAs, in the same way that other parents save for their children's long-term futures. This means these young people have a larger nest egg when they leave care.
- In one LA, £5 a week is added to each child's Junior ISA. The LA also encourages children and young people to save money from their personal allowances, which helps them to develop financial capability skills that will benefit them when they face the challenges of living independently.

4.25 The illustrative local offer, which is published alongside this guidance, exemplifies the kinds of support that local authorities may include in their offer to care leavers. Annex 1 of this guidance sets out the statutory entitlements that a local authority must provide, whilst the local offer provides additional examples of support that a local authority may choose to provide to its care leavers in fulfilling its duties as a corporate parent.

## **Examples of support for care leavers in North Somerset**

North Somerset provides practical and financial help that supports care leavers to achieve key adulthood milestones, such as opening a bank account, and to deal with the emergencies where others would turn to their families for help. This includes:

### **Financial Help**

Offer financial and practical support to help pay Council Tax.

Cover Council Tax if a care leaver takes up an apprenticeship position.

Provide a Leaving Care Grant of £2,000 to each care leaver to buy essential items for their home such as a TV and TV Licence.

Pay for five hours of driving lessons and the cost of driving theory test if in education, employment or training.

Pay 50% of the cost towards Wi-Fi if living on their own.

### **Practical help**

Visit when care leavers move in to their new housing to ensure they have settled and have everything they need.

Help to open a bank account.

Give health passport to everyone who leaves care at 18, including details of your health history

Provide an exceptional clothing payment of up to £100 if in need of extra money for a winter coat, shoes, warm clothing and maternity clothing.

Offer food parcels, an emergency payment of £10, and voucher for £10 or a top up for gas and/or electric if care leavers are in crisis and have no money for food or electricity (limited to two emergency payments over a three month period, maximum £20 per crisis).

Help to access education and work

Meet public transport costs up to age 21 for those travelling to training, education and apprenticeships and travel costs when travelling to attend an interview.

Provide up to £100 a year towards books, equipment and essential clothing for those in education and up to £100 a year for essential work clothes such as work boots.

## Annex 1

Under the Children Act 1989 a 'child' is defined (subject to a couple of exceptions not relevant to this issue) as "a person under the age of 18".

- 1 If a child meets the test in section 20(1) of the CA 1989 the LA is under a statutory obligation to provide accommodation for them.
- 2 Section 22 of the Act (general duty of local authority in relation to children looked after by them) defines what is meant by a "looked after child" (LAC). A child provided with accommodation by the LA under section 20 of the 1989 Act for a continuous period of 24 hours or more, becomes a looked after child.
- 3 Section 22(3) and (3A) set out a general duty that an LA has in relation to any LAC:

(3) It shall be the duty of a local authority looking after any child—

(a) to safeguard and promote his welfare; and

(b) to make such use of services available for children cared for by their own parents as appears to the authority reasonable in his case.

(3A) The duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of a child looked after by them includes in particular a duty to promote the child's educational achievement.

So a local authority owes this duty to any child that they are looking after.

- 4 Where a child is looked after, section 22C sets out the framework for accommodating those children. Section 22C essentially sets out a hierarchy of placement types that the LA must look to accommodate the child in. Their first duty is to try and rehabilitate the child home to their parents or someone with parental responsibility. If that is not practicable then the LA are under a duty to place the child "in the most appropriate placement available". "Placement" in this context is defined in section 22C(6) as:

(6) In subsection (5) "placement" means—

(a) placement with an individual who is a relative, friend or other person connected with C [the child] and who is also a local authority foster parent;

(b) placement with a local authority foster parent who does not fall within paragraph (a);

(c) placement in a children's home in respect of which a person is registered under Part 2 of the Care Standards Act 2000; or

(d) subject to section 22D, placement in accordance with other arrangements which comply with any regulations made for the purposes of this section.

There is a duty on the LA to give priority to kinship care placements (that is a placement with a relative, friend or other person connected with the child who is also a local authority foster parent) which although won't be relevant in the majority of cases could be relevant in relation to unaccompanied asylum seeking children (UASC) if they have connections with this country and there is someone that could be assessed as a foster carer for them.

5 So the LA must be placing the child in "the most appropriate placement available". Section 22C(7) – (9) provide that:

(7) In determining the most appropriate placement for C, the local authority must, subject to [subsection (9B) and] the other provisions of this Part (in particular, to their duties under section 22)—

(a) give preference to a placement falling within paragraph (a) of subsection (6) over placements falling within the other paragraphs of that subsection;

(b) comply, so far as is reasonably practicable in all the circumstances of C's case, with the requirements of subsection (8); and

(c) comply with subsection (9) unless that is not reasonably practicable.

(8) The local authority must ensure that the placement is such that—

(a) it allows C to live near C's home;

(b) it does not disrupt C's education or training;

(c) if C has a sibling for whom the local authority are also providing accommodation, it enables C and the sibling to live together;

(d) if C is disabled, the accommodation provided is suitable to C's particular needs.

(9) The placement must be such that C is provided with accommodation within the local authority's area.

- 6 Although section 22C(9) provides that the LA is to ensure that the accommodation is within the LA's area, section 22(7) does provide that they only need to comply with ss(9) if it is reasonably practical to do so.
- 7 Placements in a section 22C(6)(d) placement (i.e. a placement in "other arrangements") are unregulated in the sense that they aren't registered and regulated by Ofsted in the same way that a registered children's home would be so the requirements on such settings is lighter touch. However section 22D of the Act applies to such settings and there are specific provisions in the Care Planning, Placement and Case Review (England) Regulations 2010 which also apply.
- 8 Under section 25A of the Act an LA must appoint an independent reviewing officer (IRO) for any child they are looking after and this appointment should be made before the child's case is first reviewed.

## Care planning obligations

- 9 When a child is an LAC **the Care Planning, Placement and Case Review (England) Regulations 2010** (2010 Regulations) apply to that child's case.
- 10 Briefly the 2010 Regulations provide that the LA must:
  - prepare a care plan for that child before that child (C) is placed by the LA or, if it is not reasonably practical to do so, within 10 days of the child being placed. Section 4(5) provides that where the child is aged 16 or over and agrees to be accommodated under section 20 of the Act, the care plan should also be agreed with the child.
  - regulation 5 sets out what the care plan must include and includes things like the long term plan for the child's upbringing, the arrangements made by the LA to meet the child's needs in relation to health, education and training etc. and must also include the name of the child's IRO. Since August 2014 the care plan must include:
    - (f) where C is—
      - (i) a victim, or there is reason to believe C may be a victim, of trafficking in human beings within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings,
      - (ii) an unaccompanied asylum seeking child within the meaning of the Immigration Rules and has applied, or has indicated to the

responsible authority an intention to apply, for asylum and has not been granted indefinite leave to remain, that fact.

- The care plan must be kept under review (regulation 6).
- Regulation 7 provides that before a child is first placed, or if that is not reasonably practicable, before the first review of the child's case, the LA must make arrangements for a medical practitioner to examine the child in order to assess the child and provide a written report. The LA must then take all reasonable steps to ensure that the child is provided with the appropriate health care services in accordance with the plan.
- Under regulation 9, before making arrangements to place the child under section 22C, the LA must prepare a placement plan setting out the matters listed in the regulation and in the relevant Schedule. There are specific requirements where a child is being placed in "other arrangements" under s22C(6)(d) of the Act.
- Under regulation 11, where an LA decide to place a child out of area, where the placement is not with a connected person or an LA foster carer, the placement must not be put into effect until it has been approved by a nominated officer and where the placement is "at a distance" (not within the area of an adjoining LA) it must be approved by a DCS. The regulation also sets out what the nominated officer or DCS must be satisfied about before they approve the placement.
- Regulation 14 provides that if the LA want to terminate the placement they must comply with the provisions of regulation 14.
- Part 4 of the Regulations set out the requirements applicable to different types of placement. Regulation 27 provides:

**27 General duties of the responsible authority when placing a child in other arrangements**

Before placing C [the child] in accommodation in an unregulated setting under section 22C(6)(d), the responsible authority must—

- (a) be satisfied that the accommodation is suitable for C, having regard to the matters set out in Schedule 6,
- (b) unless it is not reasonably practicable, arrange for C to visit the accommodation, and
- (c) inform the IRO.

Schedule 6 to the Regulations provides:



**Matters to be Considered Before Placing C in Accommodation in an Unregulated Setting Under Section 22(6)(D)**

1 In respect of the accommodation, the—

- (a) facilities and services provided,
- (b) state of repair,
- (c) safety,
- (d) location,
- (e) support,
- (f) tenancy status, and
- (g) the financial commitments involved for C and their affordability.

2 In respect of C, C's—

- (a) views about the accommodation,
- (b) understanding of their rights and responsibilities in relation to the accommodation, and
- (c) understanding of funding arrangements.

- Part 5 deals with visits to LACs. LAs must visit the child in accordance with regulation 28.
- Part 6 deals with reviews of the child's case and the LA must review the case in accordance with that Part. Regulation 33 sets out the timings of such reviews (first within 20 days of when the child first became looked after, the 2nd not more than 3 months after the first and subsequent reviews at intervals of not more than 6 months).
- Regulation 36 sets out the role that the IRO has in relation to the LAC.
- Part 7 of the Regulations contains the LA's duties if they are considering ceasing to look after the child.

## Annex 2

### Categories of Care Leavers

1. A LA has the duties set out in section 23B in relation to a “relevant child”. A “**relevant child**” is defined in section 23A(2) of the Act as one who:
  - (a) is not being looked after by any local authority;
  - (b) was, before last ceasing to be looked after, an eligible child for the purposes of paragraph 19B of Schedule 2; and
  - (c) is aged sixteen or seventeen.

The Care Leavers Regulations provide for an additional category of relevant children in regulation 3; if a child falls within the following criteria:

- (a) is aged sixteen or seventeen,
- (b) is not subject to a care order, and
- (c) on attaining the age of 16 the child was detained, or in hospital, and immediately before being detained or admitted to hospital had been looked after by a local authority for a period or periods amounting in total to at least 13 weeks, which began after the child attained the age of 14.

“**Eligible child**” is defined as a child that is:

- (a) aged sixteen or seventeen; and
  - (b) has been looked after by a local authority for a prescribed period, or periods amounting in all to a prescribed period, which began after he reached a prescribed age and ended after he reached the age of sixteen.
- 2 The relevant prescribed period is set out in the 2010 Regulations as 13 weeks and the prescribed age is 14 years. An eligible child is one who has been looked after for a period of 13 weeks, or periods amounting to 13 weeks, which began after he reached the age of 14 and ended after he reached the age of 16.
  - 3 **The period of time for which the child should have been looked after to be an eligible child must amount to at least 13 weeks and be between the child’s 14<sup>th</sup> Birthday and at least one day after their 16<sup>th</sup> Birthday.** So if a child becomes an LAC at any time after they turn 14 and cease to be looked after at any time after they turn 16 then they will be an “eligible child”.

- 4 Local authorities also have statutory obligations to “**former relevant children**” who are defined in section 23C(1) of the Act as a young person who is:
- (a) aged 18 or above, and either
  - (b) has been a relevant child and would be one if he were under 18, or
  - (c) immediately before he ceased to be looked after at age 18, was an eligible child.
- 5 LA’s also have some statutory obligations to former relevant children who are **pursuing further education or training** who are defined in section 23CA(1) as a former relevant child who is:
- (a) aged under 25,
  - (b) a former relevant child in relation to whom the duties in section 23C(2),(3) & (4) no longer apply, and
  - (c) he has informed the local authority that he wants to pursue or is pursuing a programme of education or training.
- 6 A final category of “**persons qualifying for advice and assistance**” to whom the LA will owe certain duties (see section 24A) are defined in section 24 of the Act as a person who is:
- (a) aged at least 16 but is under 21 with respect to whom a special guardianship order is in force (or was in force when they reached 18) and was looked after immediately before the making of that order, or
  - (b) under 21 and at any time after reaching the age of 16 but while he was still a child was, but is no longer, looked after, accommodated or fostered.

## What provision is the care leaver entitled to?

This depends on what type of care leaver the young person is.

### Eligible Children

- 7 The local authority has the same statutory obligations in relation to eligible children as they do towards other children looked after by them, including a duty to maintain their care plan, carry out regular reviews of their case and appoint an independent reviewing officer (IRO) for the child. In addition they must:

- prepare an assessment of the eligible child's needs with a view to determining what advice, assistance and support it would be appropriate for them to provide him (both while he is still looked after and after he stops being looked after) (paragraph 19B(4) of Schedule 2 to the Act; the requirements for carrying out the assessment are set out in regulation 42 of the 2010 Regulations).
- as soon as possible after the assessment of needs is completed, prepare a pathway plan (which includes the child's care plan) (paragraph 19B(4) of Schedule 2 to the Act; the requirements for preparing the pathway plan are set out in regulation 43 of the 2010 Regulations).
- keep the pathway plan under regular review (paragraph 19B(5) of Schedule 2 to the Act).
- appoint a personal adviser for the child (paragraph 19C of Schedule 2 to the Act; the functions of the personal adviser are set out in regulation 44 of the 2010 Regulations).

## Relevant Children

8 The local authority that last looked after the relevant child must:

- take reasonable steps to keep in touch with the relevant child even if the child is not in the LA area (section 23B(1) of the Act).
- prepare an assessment of the relevant child's needs with a view to determining what advice assistance and support it would be appropriate for them to provide him (unless they already did so when he was an eligible child) (section 23B(3)(a) of the Act; the requirements for carrying out the assessment are set out in regulations 4 and 5 of the Care Leavers Regulations).
- as soon as possible after any assessment of needs is completed, prepare a pathway plan (section 23B(3)(b) of the Act; the requirements for preparing the pathway plan are set out in regulation 6 of and schedule 1 to the Care Leavers Regulations).
- keep the pathway plan under regular review (section 23E(1D) of the Act; the requirements for carrying out reviews are set out in regulation 7 of the Care Leavers Regulations).

- appoint a personal adviser for the child (unless they already did so when he was an eligible child) (section 23B(2) of the Act; the functions of the personal adviser are set out in regulation 8 of the Care Leavers Regulations).
- safeguard and promote the relevant child's welfare by maintaining him, providing him with or maintaining him in suitable accommodation and providing assistance in order to meet his needs in relation to education, training or employment as provided for in his pathway plan (section 23B(8) of the 1989 Act and regulation 9 of the Care Leavers Regulations; regulation 9 and schedule 2 to the Care Leavers Regulations also make provision about the meaning of "suitable accommodation").

## Former Relevant Children

9 The local authority that last looked after the former relevant child must:

- take reasonable steps to keep in touch with the former relevant child even if the child is not in the LA area, and if they lose touch with him, to re-establish contact (section 23C(2) of the Act) continue to keep the pathway plan under regular review (section 23C(3)(b) of the Act; the requirements for carrying out reviews are set out in regulation 7 of the Care Leavers Regulations).
- continue the appointment of the personal adviser for the child (section 23C(3)(a) of the Act; the functions of the personal adviser are set out in regulation 8 of the Care Leavers Regulations).
- if his welfare requires it, provide financial assistance by contributing to the former relevant child's expenses in living near the place where he is, or will be, employed or seeking employment (sections 23C(4)(a) and 24B(1) of the Act) if his welfare and educational and training needs require it, provide financial assistance to enable him to pursue education or training (sections 23C(4)(b) and 24B(2) of the Act).
- if the former relevant child pursues higher education in accordance with his pathway plan, pay him the higher education bursary (section 23C(5A) and the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009).
- to the extent that his welfare requires it, provide "other assistance" which may be in kind and in exceptional circumstances, cash (section 23C(4)(c) and 23C(5)). The case of *R (on the application of) S.O. v London Borough*

of *Barking and Dagenham (2010)*<sup>5</sup> considered whether section 23C(4)(c) of the Act provides a power for the LA to accommodate a former relevant child and held that the sub-section does afford an LA with a power to accommodate. The judge went onto say:

- *“...this court is, in my judgment, bound to conclude that since the powers under s 95 (and s 4) of the Immigration and Asylum Act 1999 are residual, and cannot be exercised if the asylum seeker (or failed asylum seeker) is entitled to accommodation under some other provision, a local authority is not entitled, when considering whether a former relevant child's welfare requires that he be accommodated by it, to take into account the possibility of support from NASS.”*

- 10 The duties in section 23C(2), (3) and (4) continue until the former relevant child reaches 21 or, where the child's pathway plan sets out a programme of education or training which extends beyond his 21st birthday, they continue for so long as he pursues that programme and the other duties in section 23C(2) and (3) also continue for the same period.
- 11 Although local authorities can provide 'staying put' arrangements to any care leaver, a specific duty was placed on local authorities in section 23CZA of the Children Act 1989. This duty places a legal requirement on local authorities to advise, assist and support both the young person and their former foster carers when they wish to stay living together after the former relevant child reaches their 18<sup>th</sup> birthday.

### **Former relevant children pursuing further education or training**

- 12 The local authority which owed duties to that former relevant child under section 23C and 23CZA of the Act must:
- appoint a personal adviser for that person (section 23CA(2) of the Act).
  - carry out an assessment of the needs of that person with a view to determining what assistance (if any) it would be appropriate for them to provide him (section 23CA(3)(a) of the Act; the requirements for carrying out the assessment are set out in regulations 4 and 5 of the Care Leavers Regulations).
  - prepare a pathway plan for him (section 23CA(3)(b) of the 1989 Act; the requirements for preparing the pathway plan are set out in regulation 6 of and schedule 1 to the Care Leavers Regulations).

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<sup>5</sup> R (on the application of O) v London Borough of Barking and Dagenham [2010] EWCA Civ 1101.

- to the extent the person's educational or training needs require it, provide financial assistance (section 23CA(4) and (5) of the 1989 Act).
- Where a former relevant child and their foster carers agree to the young person 'staying put' in the foster placement it is the duty of the LA (unless the staying put arrangement is not consistent with the welfare of the former relevant child) to monitor the arrangement and to provide advice, assistance and support (which must include financial support) to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement.

### **Persons qualifying for advice or assistance**

- 13 The relevant local authority (as defined in section 24(5) of the Act) must consider whether the person needs help of a kind the local authority can give:
  - under section 24A - to advise and befriend and give assistance.
  - under section 24B - to give financial assistance – see above; or where the person is in full time further or higher education, is under the age of 25 and qualifies for advice and assistance, or would have done if he was under 21, assistance in relation to securing vacation accommodation (sections 24A(2) and (3), and 24B of the Act).
- 14 Under the Care Leavers Regulations a care leaver's needs in relation to their status as a victim of trafficking or an unaccompanied asylum seeking child must be considered when the local authority is preparing an assessment of needs and to require that, where a child is a victim of trafficking or an unaccompanied asylum seeking child the local authority must consider whether their related needs are being met when reviewing the child's pathway plan.

## Annex 3

**Table A: functions where consideration of corporate parenting principles should generally apply**

	Shire areas			Metropolitan areas	London	
	Unitaries	County councils	District councils	Metropolitan districts	London boroughs	GLA
Education	✓	✓		✓	✓	
Social care	✓	✓		✓	✓	
Housing	✓		✓	✓	✓	
Libraries	✓	✓		✓	✓	
Leisure and recreation	✓		✓	✓	✓	
Local taxation collection	✓		✓	✓	✓	



**Table B: functions where corporate parenting principles will never or hardly ever apply**

	Shire areas			Metropolitan areas	London	
	Unitaries	County councils	District councils	Metropolitan districts	London boroughs	GLA
Highways	✓	✓		✓	✓	✓
Transport planning	✓	✓		✓	✓	✓
Passenger transport	✓	✓				✓
Environmental health	✓		✓	✓	✓	
Waste collection	✓		✓	✓	✓	
Waste disposal	✓	✓		✓	✓	
Planning application	✓		✓	✓	✓	
Strategic planning	✓	✓	✓	✓	✓	✓

## Further information

### Relevant departmental advice and statutory guidance

- Care planning, placement and case review guidance:  
<https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review>
- Planning transition to adulthood for care leavers:  
<https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>
- Roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services:  
<https://www.gov.uk/government/publications/directors-of-childrens-services-roles-and-responsibilities>
- Promoting the health and wellbeing of looked-after children:  
<https://www.gov.uk/government/publications/promoting-the-health-and-wellbeing-of-looked-after-children--2>
- Promoting the education of looked-after children:  
<https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>
- Care Leaver Strategy: a cross departmental strategy for young people leaving care: <https://www.gov.uk/government/publications/keep-on-caring-supporting-young-people-from-care-to-independence>
- Working together to safeguard children:  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>



Department  
for Education

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## Corporate Parenting Board – Workplan 2017-18 and 2018-19

Meeting Date	Strategic Themes	Reports Supporting Strategic Theme	Other Reports
<b>2017-2018</b>			
26 June 2017	Emotional Wellbeing & Mental Health; Wellbeing; Relationships & Identity	<ul style="list-style-type: none"> <li>Emotional wellbeing and mental health of children and young people in care, on the edge of care and care leavers</li> </ul>	
25 Sept 2017	Respect & Involvement	<ul style="list-style-type: none"> <li>Annual Advocacy Report</li> <li>Annual SMTIM Report</li> <li>U Matter Survey 2017</li> </ul>	<ul style="list-style-type: none"> <li>Development Review of Placement Services</li> </ul>
20 Nov 2017	Moving to Adulthood	<ul style="list-style-type: none"> <li>Update on Pathway Service</li> </ul>	<ul style="list-style-type: none"> <li>Independent Reviewing Officer Annual Report Update</li> </ul>
12 Feb 2018	Any other matters arising	<ul style="list-style-type: none"> <li>Children and Social Work Act - Update</li> <li>Update on Placement Review</li> <li>Update on IRO Annual Report</li> </ul>	
16 April 2018	Education	<ul style="list-style-type: none"> <li>Virtual School Update</li> <li>Primary Education data – children in care / Education: Secondary school</li> </ul>	

Meeting Date	Strategic Themes	Reports Supporting Strategic Theme	Other Reports
	Moving to Adulthood - Staying Put, Education, Training & Employment, Apprenticeships	<ul style="list-style-type: none"> <li>• data children in care.</li> <li>• Children and Social Work Act Update</li> <li>• Update on Pathway Service</li> </ul>	
<b>2018 - 2019</b>			
5 June 2018	Emotional Wellbeing & Mental Health; Wellbeing; Relationships & Identity	<ul style="list-style-type: none"> <li>• Update on EMH Partnership</li> <li>• Relevant performance data</li> </ul>	<ul style="list-style-type: none"> <li>• Update on Regional Approach to Adoption</li> </ul>
4 Sept 2018	Respect & Involvement	<ul style="list-style-type: none"> <li>• Annual Advocacy Report</li> <li>• Annual SMTIM Report</li> <li>• U Matter Survey 2017</li> </ul>	
30 Nov 2018 (to be brought earlier in Nov - date TBC)	Health	<ul style="list-style-type: none"> <li>• Relevant performance data</li> </ul>	

Meeting Date	Strategic Themes	Reports Supporting Strategic Theme	Other Reports
5 Feb 2019	Good Safe Placements	<ul style="list-style-type: none"> <li>• Independent Reviewing Officer Annual Report</li> <li>• Update on Placement Review</li> </ul>	
9 April 2019	Any other matters arising		

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